

Executive Summary – Enforcement Matter – Case No. 51981
EXXON MOBIL CORPORATION
RN102579307
Docket No. 2016-0326-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

No

Location(s) Where Violation(s) Occurred:

Exxon Mobil Baytown Refinery, 2800 Decker Drive, Baytown, Harris County

Type of Operation:

Underground storage tank and a fleet refueling facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2015-1839-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 15, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$54,861

Amount Deferred for Expedited Settlement: \$10,972

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$21,945

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$21,944

Name of SEP: Gulf Coast Waste Disposal Authority (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 12, 2016

Date(s) of NOE(s): February 26, 2016

Executive Summary – Enforcement Matter – Case No. 51981
EXXON MOBIL CORPORATION
RN102579307
Docket No. 2016-0326-PST-E

Violation Information

1. Failed to conduct inventory control in accordance with a code or standard of practice developed by a nationally recognized association or independent testing laboratory. Specifically, the Respondent was not properly recording the ending stick value [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(i) and (d)(4)(A)(i)].
2. Failed to provide release detection for the pressurized piping associated with the Underground storage tank system. Specifically, the Respondent had not conducted the annual line leak detector and piping tightness testing [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].
3. Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, inventory control records for July and August 2015 indicated a suspected release that was not reported [30 TEX. ADMIN. CODE § 334.72].
4. Failed to investigate a suspected release of regulated substance within 30 days of discovery. Specifically, inventory control records for July and August 2015 indicated a suspected release that was not investigated [30 TEX. ADMIN. CODE § 334.74].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. Developed and implemented procedures designed to ensure inventory control procedures are being conducted in accordance with a code or standard of practice developed by a nationally recognized association or independent testing laboratory on February 1, 2016; and
- b. Conducted the annual line leak detector and piping tightness testing with passing results on March 18, 2016.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Develop and implement procedures designed to ensure suspected releases are reported; and

Executive Summary – Enforcement Matter – Case No. 51981
EXXON MOBIL CORPORATION
RN102579307
Docket No. 2016-0326-PST-E

- ii. Investigate the suspected release and implement appropriate corrective measures.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Rebecca Boyett, Enforcement Division,
Enforcement Team 7, MC 128, (512) 239-2503; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: Matthew Crocker, Refinery Plant Manager, EXXON MOBIL
CORPORATION, 5000 Bayway Drive, Baytown, Texas 77520
Susan Booker, Waste Advisor, EXXON MOBIL CORPORATION, 5000 Bayway Drive,
Baytown, Texas 77520
Respondent's Attorney: N/A

Attachment A
Docket Number: 2016-0326-PST-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	EXXON MOBIL CORPORATION
Penalty Amount:	Forty-Three Thousand Eight Hundred Eighty-Nine Dollars (\$43,889)
SEP Offset Amount:	Twenty-One Thousand Nine Hundred Forty-Four Dollars (\$21,944)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Gulf Coast Waste Disposal Authority
Project Name:	<i>Rivers, Lakes, Bays 'N Bayous Trash Bash</i>
Location of SEP:	Galveston and Harris Counties

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Gulf Coast Waste Disposal Authority** ("GCWDA") for the *Rivers, Lakes, Bays 'N Bayous Trash Bash*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to pay for materials, supplies, disposal, transportation, and advertising, as well as costs directly associated with the cleanup of trash and pollutants from Galveston Bay and waterways in the San Jacinto watershed. GCWDA shall not use SEP funds to pay for food, drinks, or t-shirts. GCWDA shall use SEP funds only to clean up property owned by a local government entity, as defined in TEXAS WATER CODE § 7.067, or privately owned property that is not subject to a TCEQ enforcement action at the time of cleanup. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

EXXON MOBIL CORPORATION
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit water quality by removing pollutants from Galveston Bay and waterways in the San Jacinto watershed. This SEP will educate volunteers about non-point source pollution and steps the volunteers can take to help keep the environment clean.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Gulf Coast Waste Disposal Authority SEP** and shall mail the contribution with a copy of the Agreed Order to:

Gulf Coast Waste Disposal Authority
Attention: Lori Traweek
910 Bay Area Boulevard
Houston, Texas 77058

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. The Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	29-Feb-2016	Screening	4-Mar-2016	EPA Due	
	PCW	26-Apr-2016				

RESPONDENT/FACILITY INFORMATION

Respondent	EXXON MOBIL CORPORATION		
Reg. Ent. Ref. No.	RN102579307		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	51981	No. of Violations	3
Docket No.	2016-0326-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rebecca Boyett
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$27,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **100.0%** **Adjustment** **Subtotals 2, 3, & 7** \$27,500

Notes Enhancement for six NOV's with dissimilar violations, three previous orders with denial of liability, and four previous orders without denial of liability.

Culpability **No** **0.0%** **Enhancement** **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** -\$375

Economic Benefit **0.0%** **Enhancement*** **Subtotal 6** \$0

Total EB Amounts \$534
Estimated Cost of Compliance \$5,818
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$54,625

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.4%** **Adjustment** \$236

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended enhancement to capture the avoided cost of compliance associated with violation nos. 1 and 2.

Final Penalty Amount \$54,861

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$54,861

DEFERRAL **20.0%** **Reduction** **Adjustment** -\$10,972

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY \$43,889

Screening Date 4-Mar-2016

Docket No. 2016-0326-PST-E

PCW

Respondent EXXON MOBIL CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 51981

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102579307

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rebecca Boyett

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 172%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for six NOVs with dissimilar violations, three previous orders with denial of liability, and four previous orders without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 172%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 4-Mar-2016

Docket No. 2016-0326-PST-E

PCW

Respondent EXXON MOBIL CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 51981

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102579307

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rebecca Boyett

Violation Number 1

Rule Cite(s) 30 Tex. Admin Code § 334.50(b)(2) and (d)(1)(B)(i) and (d)(4)(A)(i) and Tex. Water Code § 26.3475(a)

Violation Description

Failed to conduct inventory control procedures in accordance with a code or standard of practice developed by a nationally recognized association or independent testing laboratory. Specifically, the Respondent was not properly recording the ending stick value. Also, failed to provide release detection for the pressurized piping associated with the underground storage tank ("UST") system. Specifically, the Respondent had not conducted the annual line leak detector and piping tightness testing.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

52 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the January 12, 2016 investigation date to the March 4, 2016 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$375

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent achieved compliance on March 18, 2016 after the Notice of Enforcement dated February 26, 2016.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$132

Violation Final Penalty Total \$7,156

This violation Final Assessed Penalty (adjusted for limits) \$7,156

Economic Benefit Worksheet

Respondent EXXON MOBIL CORPORATION
Case ID No. 51981
Reg. Ent. Reference No. RN102579307
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	12-Jan-2016	1-Feb-2016	0.05	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to develop and implement procedures designed to ensure inventory control procedures are being conducted in accordance with a code or standard of practice developed by a nationally recognized association or independent testing laboratory. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$118	12-Jan-2015	18-Mar-2016	2.10	\$12	\$118	\$130

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual line leak detector and piping tightness testing. The Date Required is one year prior to the investigation date and the Final Date is the date of compliance.

Approx. Cost of Compliance

\$618

TOTAL

\$132

Screening Date 4-Mar-2016

Docket No. 2016-0326-PST-E

PCW

Respondent EXXON MOBIL CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 51981

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102579307

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rebecca Boyett

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 334.72

Violation Description

Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, inventory control records for July and August 2015 indicated a suspected release that was not reported.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

185 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	x

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$111

Violation Final Penalty Total \$2,511

This violation Final Assessed Penalty (adjusted for limits) \$2,511

Economic Benefit Worksheet

Respondent EXXON MOBIL CORPORATION

Case ID No. 51981

Reg. Ent. Reference No. RN102579307

Media Petroleum Storage Tank

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	12-Jan-2016	29-Nov-2016	0.88	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to develop and implement procedures designed to ensure suspected releases are reported. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	1-Sep-2015	12-Jan-2016	1.28	\$6	\$100	\$106
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to report a suspected release. The Date Required is the date the suspected release report was due and the Final Date is the investigation date.

Approx. Cost of Compliance

\$200

TOTAL

\$111

Screening Date 4-Mar-2016
Respondent EXXON MOBIL CORPORATION
Case ID No. 51981

Docket No. 2016-0326-PST-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102579307
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Rebecca Boyett

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 334.74

Violation Description Failed to investigate a suspected release of regulated substance within 30 days of discovery. Specifically, inventory control records for July and August 2015 indicated a suspected release that was not investigated.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 6

156 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Six monthly events are recommended from the September 30, 2015 suspected release investigation due date to the March 4, 2016 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$292

Violation Final Penalty Total \$45,194

This violation Final Assessed Penalty (adjusted for limits) \$45,194

Economic Benefit Worksheet

Respondent EXXON MOBIL CORPORATION

Case ID No. 51981

Reg. Ent. Reference No. RN102579307

Media Petroleum Storage Tank

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	30-Sep-2015	29-Nov-2016	1.17	\$292	n/a	\$292

Notes for DELAYED costs

Estimated delayed cost to investigate a suspected release and implement appropriate corrective measures. The Date Required is the date the suspected release investigation was due and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$292

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600123939, RN102579307, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN600123939, EXXON MOBIL CORPORATION **Classification:** SATISFACTORY **Rating:** 2.46

Regulated Entity: RN102579307, Exxon Mobil Baytown Refinery **Classification:** SATISFACTORY **Rating:** 6.95

Complexity Points: 52

Repeat Violator: NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 2800 DECKER DR BAYTOWN, TX 77520-2020, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50111

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD000782698

AIR NEW SOURCE PERMITS PERMIT 18287

AIR NEW SOURCE PERMITS REGISTRATION 23378

AIR NEW SOURCE PERMITS REGISTRATION 26486

AIR NEW SOURCE PERMITS REGISTRATION 27403

AIR NEW SOURCE PERMITS REGISTRATION 30186

AIR NEW SOURCE PERMITS REGISTRATION 31008

AIR NEW SOURCE PERMITS REGISTRATION 31852

AIR NEW SOURCE PERMITS REGISTRATION 34295

AIR NEW SOURCE PERMITS REGISTRATION 36536

AIR NEW SOURCE PERMITS REGISTRATION 38532

AIR NEW SOURCE PERMITS REGISTRATION 40421

AIR NEW SOURCE PERMITS REGISTRATION 42509

AIR NEW SOURCE PERMITS REGISTRATION 44162

AIR NEW SOURCE PERMITS REGISTRATION 49893

AIR NEW SOURCE PERMITS REGISTRATION 11007

AIR NEW SOURCE PERMITS REGISTRATION 10550

AIR NEW SOURCE PERMITS REGISTRATION 11206

AIR NEW SOURCE PERMITS REGISTRATION 11380

AIR NEW SOURCE PERMITS REGISTRATION 11475

AIR NEW SOURCE PERMITS REGISTRATION 11555

AIR NEW SOURCE PERMITS REGISTRATION 11703

AIR NEW SOURCE PERMITS REGISTRATION 12226

AIR NEW SOURCE PERMITS REGISTRATION 12628

AIR NEW SOURCE PERMITS REGISTRATION 12977

AIR NEW SOURCE PERMITS REGISTRATION 55381

AIR NEW SOURCE PERMITS REGISTRATION 71553

AIR NEW SOURCE PERMITS REGISTRATION 71614

AIR NEW SOURCE PERMITS REGISTRATION 52474

AIR NEW SOURCE PERMITS REGISTRATION 54497

AIR NEW SOURCE PERMITS REGISTRATION 50582

AIR NEW SOURCE PERMITS REGISTRATION 74578

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX730M3

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX730M2

AIR NEW SOURCE PERMITS REGISTRATION 107643

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30040

POLLUTION PREVENTION PLANNING ID NUMBER
P00234

AIR NEW SOURCE PERMITS REGISTRATION 22874

AIR NEW SOURCE PERMITS REGISTRATION 24669

AIR NEW SOURCE PERMITS REGISTRATION 26294

AIR NEW SOURCE PERMITS REGISTRATION 26443

AIR NEW SOURCE PERMITS REGISTRATION 31067

AIR NEW SOURCE PERMITS REGISTRATION 31690

AIR NEW SOURCE PERMITS REGISTRATION 31915

AIR NEW SOURCE PERMITS REGISTRATION 33875

AIR NEW SOURCE PERMITS REGISTRATION 36664

AIR NEW SOURCE PERMITS REGISTRATION 39164

AIR NEW SOURCE PERMITS REGISTRATION 38572

AIR NEW SOURCE PERMITS REGISTRATION 43489

AIR NEW SOURCE PERMITS REGISTRATION 47145

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0232Q

AIR NEW SOURCE PERMITS REGISTRATION 10461

AIR NEW SOURCE PERMITS REGISTRATION 11053

AIR NEW SOURCE PERMITS REGISTRATION 11250

AIR NEW SOURCE PERMITS REGISTRATION 11464

AIR NEW SOURCE PERMITS REGISTRATION 11483

AIR NEW SOURCE PERMITS REGISTRATION 11624

AIR NEW SOURCE PERMITS REGISTRATION 11939

AIR NEW SOURCE PERMITS REGISTRATION 12380

AIR NEW SOURCE PERMITS REGISTRATION 12968

AIR NEW SOURCE PERMITS REGISTRATION 12994

AIR NEW SOURCE PERMITS AFS NUM 4820100027

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX975

AIR NEW SOURCE PERMITS REGISTRATION 50429

AIR NEW SOURCE PERMITS REGISTRATION 54582

AIR NEW SOURCE PERMITS REGISTRATION 71394

AIR NEW SOURCE PERMITS REGISTRATION 54848

AIR NEW SOURCE PERMITS REGISTRATION 75186

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX975M2

AIR NEW SOURCE PERMITS EPA PERMIT PAL7

AIR NEW SOURCE PERMITS REGISTRATION 115627

AIR NEW SOURCE PERMITS REGISTRATION 137342
AIR NEW SOURCE PERMITS REGISTRATION 136452
AIR NEW SOURCE PERMITS REGISTRATION 112406
AIR NEW SOURCE PERMITS REGISTRATION 112413

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX474M5
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX852
AIR NEW SOURCE PERMITS REGISTRATION 136500
AIR OPERATING PERMITS ACCOUNT NUMBER HG0232Q

AIR OPERATING PERMITS PERMIT 1229
WASTEWATER EPA ID TX0006271

WASTEWATER PERMIT WQ0000592000
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 8309

STORMWATER PERMIT TXR150022506

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30040

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG0232Q

LEAKING PETROLEUM STORAGE TANKS REMEDIATION
ID NUMBER 99546

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: March 04, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 04, 2011 to March 04, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Rebecca Boyett

Phone: (512) 239-2503

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 03/19/2011 ADMINORDER 2009-1944-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 268,879 pounds ("lbs") of carbon monoxide ("CO"), 1,928 lbs of nitrogen oxide ("NOx"), 943 lbs of ammonia ("NH3"), 667 lbs of sulfur dioxide ("SO2") and 384 lbs of hydrogen cyanide ("HCN") from Fluid Catalytic Cracking Unit 3 ("FCCU3") during an avoidable emissions event (Incident No. 118545) that began January 7, 2009 and lasted 34 hours. Forced-Draft Fan 510 ("FD-510") and Boiler A were shut down for maintenance.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SPECIAL CONDITION 1 OP
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 61,369 lbs of CO, 3,978 lbs of SO2, 503 lbs of particulate matter, 216 lbs of NH3, 88 lbs of HCN and 15 lbs of NOx from Fluid Catalytic Cracking Unit 3 ("FCCU3") during an avoidable emissions event (Incident No. 123795) that began May 4, 2009 and lasted 32 hours and 24 minutes. FD-510 was shut down for maintenance. The air flow in FD-520 was increased so Boiler A would not shut down. Due a broken mechanical linkage
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions.
- 2 Effective Date: 04/18/2011 ADMINORDER 2010-0656-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: PSD-TX-730M4/PAL, Special Condition 1 PERMIT
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 132322. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-730M4/PAL PERMIT
SPECIAL CONDITION 1 OP

Description: Failed to prevent unauthorized emissions during Incident No. 134509. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

3 Effective Date: 11/18/2011 ADMINORDER 2010-1036-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-730-M4/PAL PERMIT
Special Condition 1 PERMIT

Description: Exxon Mobil failed to prevent pluggage of the transfer line from BS-4 to the Girbotol Unit, resulting in an emissions event and 47,614 lbs of unauthorized SO2 emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-730M4/PAL PERMIT
Special Condition No. 1 PERMIT

Description: Failed to prevent the release of unauthorized emissions during an emissions event particularly when power failure occurred in the SCU2.

4 Effective Date: 12/19/2011 ADMINORDER 2011-0450-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Flexible Permit No. 18287, SC #1 PERMIT

Description: Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 146177) that occurred on October 15, 2010, the Respondent released 2,252 pounds ("lbs") of sulfur dioxide from Flare Stack 20 (Emission Point Number FL20) during an emissions event that lasted approximately two hours. The event occurred when safe operating system pressure and reactor temperatures were not maintained during startup of the GoFiner 1 Unit.....

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Flexible Permit No. 18287, SC #1 PERMIT

Description: Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 146247) that occurred on October 18, 2010, the Respondent released 425 lbs of volatile organic compounds, 3,256 lbs of sulfur dioxide, 36 lbs of hydrogen sulfide, 223 lbs of carbon monoxide, and 43 lbs of nitrogen oxide from Flare Stacks 15 and 16 at the Pipe Still 3 and 7 Units during an emissions event that lasted approximately 51 minutes. The event occurred.....

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Flexible Permit No. 18287, SC #1 PERMIT

Description: Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 146393) that occurred on October 20, 2010, the Respondent released 227 lbs of volatile organic compounds, 1,773 lbs of sulfur dioxide, 19 lbs of hydrogen sulfide, 121 lbs of carbon monoxide, and 22 lbs of nitrogen oxide from Flare Stacks 15 and 16 at the Pipe Still 3 and 7 Units during an emissions event that lasted approximately 37 minutes.....

5 Effective Date: 03/03/2012 ADMINORDER 2011-2336-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Federal Operating Permit No. O1229 OP
Permit Nos. 18287 and PSDTX730M4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 42,932.2 pounds ("lbs") of carbon monoxide, 5,568.16 lbs of sulfur dioxide ("SO2"), 898.97 lbs of nitrogen oxides ("NOx"), 2.25 lbs of hydrogen sulfide ("H2S"), and 8.9 lbs of volatile organic compounds ("VOC") from Flare Stack 25 and Flare Stack 26 during an emissions event (Incident No. 160475) that began on October 12, 2011 and lasted 58 hours and 15 minutes. The event occurred as the result of a breakdown of th

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Federal Operating Permit No. O1229 OP
Permit Nos. 18287 and PSDTX730M4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 47,710.11 lbs of CO, 93.59 lbs of NOx, 2,594.21 lbs of SO2, 629.76 lbs of VOC, 28.08 lbs of H2S, 60.5 lbs of particulate matter, and 35.83 lbs of ammonia from Flares 3, 4, 5, and 6, and the Fluid Catalytic Cracking Unit 2 Wet Gas Scrubber during an emissions event (Incident No. 161050) that began on October 25, 2011, and lasted one hour and 25 minutes. The event occurred when an isolation switch at a substation

6 Effective Date: 05/25/2012 ADMINORDER 2011-1584-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1229, ST&C 1.A OP

Description: Failed to maintain H2S concentrations in the fuel gas below 162 parts per million ("ppm") [230 milligrams per dry standard cubic meter] for the following emission units: Flare 3, Flare 5, Flare 6, Flare 15, Flare 16, Flare 17, Flare 20, Hydrofining Unit 9 and the Fuels North Area. Specifically, from December 13, 2009 through November 18, 2010, the 162 ppm H2S three-hour rolling average limit was exceeded for a total of 47 hours.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)
30 TAC Chapter 117, SubChapter B 117.345(f)(6)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1229, ST&C 11.D. OP
FOP O1229, ST&C 11.E. OP

Description: Failed to maintain the start and stop times of the operation of emergency engines during maintenance and testing. Specifically, this occurred on 17 Emission Point Nos. (UCCICE, FECCICE, LS110P1, LS243RP4, LS243RP5, LS243RP6, LS423RP7, LS423RP8, LS243RP9, RBICEP3, RBICEP4, SCU2PO54ICE, SEP12ICE1, SEP12ICE2, SRUICE, SSPICE2, and UCCICE) between November 22, 2009 and March 1, 2010.

7 Effective Date: 04/27/2013 ADMINORDER 2012-1630-IHW-E (1660 Order-Agreed Order With Denial)
Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)
Rqmt Prov: Provision II.C.1.d. PERMIT

Description: Failure to prevent the disposal of IHW at an unauthorized facility.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.10

Rqmt Prov: Provision II.C.1.d. PERMIT

Description: Failure to properly complete all manifests for the shipment of hazardous wastes.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	March 16, 2011	(916356)
Item 2	March 25, 2011	(900050)
Item 3	April 05, 2011	(907025)
Item 4	April 06, 2011	(906078)
Item 5	April 12, 2011	(908848)
Item 6	April 13, 2011	(938041)
Item 7	April 21, 2011	(924829)
Item 8	May 06, 2011	(915517)
Item 9	June 08, 2011	(914765)
Item 10	June 17, 2011	(945409)
Item 11	June 22, 2011	(921491)
Item 12	July 12, 2011	(923929)
Item 13	July 15, 2011	(924334)
Item 14	July 25, 2011	(932932)
Item 15	September 19, 2011	(949097)
Item 16	October 10, 2011	(944373)
Item 17	October 11, 2011	(962097)
Item 18	October 17, 2011	(971392)
Item 19	October 19, 2011	(952007)
Item 20	November 09, 2011	(950935)
Item 21	November 17, 2011	(977551)
Item 22	November 18, 2011	(955544)
Item 23	November 21, 2011	(950913)
Item 24	December 12, 2011	(984319)
Item 25	January 17, 2012	(974673)
Item 26	February 02, 2012	(981941)
Item 27	February 09, 2012	(981400)
Item 28	March 16, 2012	(1003507)
Item 29	March 27, 2012	(982652)
Item 30	March 28, 2012	(981966)
Item 31	April 03, 2012	(977341)
Item 32	April 09, 2012	(988340)
Item 33	April 13, 2012	(988608)
Item 34	April 20, 2012	(1010068)
Item 35	May 03, 2012	(996948)
Item 36	May 04, 2012	(983877)
Item 37	May 21, 2012	(1016462)
Item 38	May 22, 2012	(1006882)
Item 39	June 18, 2012	(1024184)
Item 40	July 05, 2012	(1015165)
Item 41	July 18, 2012	(1031577)
Item 42	July 19, 2012	(1002512)
Item 43	July 24, 2012	(1014498)
Item 44	July 30, 2012	(1006801)
Item 45	August 15, 2012	(1014991)
Item 46	August 22, 2012	(1037954)
Item 47	September 18, 2012	(1046687)
Item 48	September 24, 2012	(1030640)
Item 49	October 15, 2012	(1060915)

Item 50	October 19, 2012	(1002511)
Item 51	October 30, 2012	(1036038)
Item 52	November 20, 2012	(1060916)
Item 53	December 11, 2012	(1043322)
Item 54	December 13, 2012	(1060917)
Item 55	December 14, 2012	(1049611)
Item 56	December 19, 2012	(1049614)
Item 57	January 09, 2013	(1050834)
Item 58	January 17, 2013	(1078992)
Item 59	February 08, 2013	(1049617)
Item 60	February 13, 2013	(1078991)
Item 61	February 26, 2013	(1055864)
Item 62	March 21, 2013	(1089320)
Item 63	April 18, 2013	(1095714)
Item 64	April 22, 2013	(1054895)
Item 65	May 01, 2013	(1054208)
Item 66	May 02, 2013	(1086858)
Item 67	May 10, 2013	(1074592)
Item 68	May 13, 2013	(1106639)
Item 69	May 16, 2013	(1088767)
Item 70	June 13, 2013	(1094524)
Item 71	June 25, 2013	(1110315)
Item 72	July 03, 2013	(1094148)
Item 73	July 16, 2013	(1101639)
Item 74	July 23, 2013	(1117199)
Item 75	July 25, 2013	(1100521)
Item 76	August 08, 2013	(1100525)
Item 77	August 15, 2013	(1088496)
Item 78	August 26, 2013	(1124955)
Item 79	September 12, 2013	(1129555)
Item 80	October 11, 2013	(1135285)
Item 81	October 28, 2013	(1115025)
Item 82	November 06, 2013	(1121042)
Item 83	November 18, 2013	(1122485)
Item 84	November 19, 2013	(1121653)
Item 85	November 22, 2013	(1124623)
Item 86	November 25, 2013	(1121002)
Item 87	December 06, 2013	(1134629)
Item 88	December 09, 2013	(1134413)
Item 89	December 16, 2013	(1134627)
Item 90	December 17, 2013	(1134630)
Item 91	December 23, 2013	(1147143)
Item 92	January 09, 2014	(1132672)
Item 93	January 23, 2014	(1153212)
Item 94	January 30, 2014	(1122294)
Item 95	February 19, 2014	(1116303)
Item 96	March 21, 2014	(1146283)
Item 97	April 01, 2014	(1150171)
Item 98	April 23, 2014	(1174325)
Item 99	April 25, 2014	(1150924)
Item 100	April 28, 2014	(1144013)
Item 101	May 02, 2014	(1158103)
Item 102	May 20, 2014	(1180513)
Item 103	May 21, 2014	(1157645)
Item 104	May 23, 2014	(1160214)
Item 105	May 28, 2014	(1160203)
Item 106	June 02, 2014	(1158109)
Item 107	June 05, 2014	(1160191)
Item 108	June 06, 2014	(1152150)
Item 109	June 23, 2014	(1187411)

Item 110	June 30, 2014	(1165038)
Item 111	July 16, 2014	(1163575)
Item 112	July 17, 2014	(1165039)
Item 113	July 22, 2014	(1198571)
Item 114	August 26, 2014	(1198572)
Item 115	September 08, 2014	(1185543)
Item 116	September 16, 2014	(1205816)
Item 117	October 06, 2014	(1134626)
Item 118	October 23, 2014	(1212228)
Item 119	October 30, 2014	(1198255)
Item 120	November 24, 2014	(1218480)
Item 121	December 08, 2014	(1205338)
Item 122	December 19, 2014	(1209661)
Item 123	December 22, 2014	(1224259)
Item 124	December 30, 2014	(1211844)
Item 125	January 26, 2015	(1230786)
Item 126	February 06, 2015	(1209664)
Item 127	February 18, 2015	(1222392)
Item 128	February 26, 2015	(1242296)
Item 129	March 09, 2015	(1222394)
Item 130	March 13, 2015	(1222395)
Item 131	March 18, 2015	(1228792)
Item 132	March 25, 2015	(1248625)
Item 133	April 28, 2015	(1255525)
Item 134	May 18, 2015	(1245893)
Item 135	June 16, 2015	(1269404)
Item 136	June 19, 2015	(1252269)
Item 137	July 02, 2015	(1260590)
Item 138	July 13, 2015	(1248312)
Item 139	July 23, 2015	(1276950)
Item 140	August 07, 2015	(1266225)
Item 141	August 11, 2015	(1255003)
Item 142	August 25, 2015	(1283127)
Item 143	August 26, 2015	(1247781)
Item 144	September 17, 2015	(1259046)
Item 145	September 23, 2015	(1273728)
Item 146	September 28, 2015	(1254910)
Item 147	September 29, 2015	(1266227)
Item 148	October 13, 2015	(1281159)
Item 149	October 15, 2015	(1248242)
Item 150	October 22, 2015	(1296470)
Item 151	October 29, 2015	(1221710)
Item 152	November 03, 2015	(1281908)
Item 153	November 12, 2015	(1286617)
Item 154	December 02, 2015	(1301923)
Item 155	December 16, 2015	(1296058)
Item 156	December 28, 2015	(1308851)
Item 157	December 30, 2015	(1295697)
Item 158	January 11, 2016	(1301428)
Item 159	February 09, 2016	(1299692)
Item 160	February 24, 2016	(1313584)
Item 161	February 26, 2016	(1228392)
Item 162	February 29, 2016	(1314344)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	04/27/2015 (1245467)	CN600123939
	Self Report?	NO	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)	

2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 2D TWC Chapter 26, SubChapter A 26.121(a)(3)
 2D TWC Chapter 26, SubChapter A 26.121(b)
 2D TWC Chapter 26, SubChapter A 26.121(c)
 2D TWC Chapter 26, SubChapter A 26.121(d)
 2D TWC Chapter 26, SubChapter A 26.121(e)
 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Permit Conditions, No. 2.g PERMIT

TWC Chapter 26 26.121
 TWC Chapter 26 26.121(a)(2)

Description: Failed to prevent the unauthorized discharge of wastewater.

- 2

Date: 04/30/2015 (1262235) CN600123939

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
- 3

Date: 08/31/2015 (1211175)

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6602
 5C THSC Chapter 382 382.085(b)

Description: Failure conduct annual oil changes on engines (EPNs DCUICE, EOCICE, & RBICEG2). [Category C4]
- 4

Date: 08/31/2015 (1290266) CN600123939

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
- 5

Date: 08/31/2015 (1211219)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 FOP Special Term & Condition 30 OP
 NSR Special Condition 34E PERMIT

Description: Failure to equip 24 open-ended valves or lines (OELs) with a cap, plug, flange or second valve. [Category C10]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(i)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 10E OP
 FOP Special Term & Condition 1A OP

Description: Failure to monitor a valve (Tag #6821) within 30 days after being placed into HRVOC service. [Category C1]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 FOP Special Term & Condition 30 OP
 NSR Special Condition 11B PERMIT

Description: Failure to maintain a constant pilot flame on flare (EPN: FL11). [Category C4]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Description: FOP Special Term & Condition 10 OP
 Failure to take a daily sample following eight hours of of HRVOC analyzer downtime for flares. [Category C1]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 2F OP

Description: Failure to meet the 14-day emission event recordkeeping deadline. [Category C3]
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 10 OP

Description: Failure to collect samples for total and speciated HRVOC analysis following 24 hours of HRVOC analyzer downtime for cooling water tower (EPN: CT68FUG) [Category C1]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 30 OP
 NSR Special Condition 18 PERMIT

Description: Failure to collect and/or analyze weekly liquid samples of product sulfur from tank (EPN: TK1027). [Category C1]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-7a(c)(2)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP

Description: Failure to conduct monthly monitoring on 13 valves following repair of an identified leak. [Category C1]

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(b)(2)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 30 OP
 NSR Consent Decree 2A PERMIT

Description: Failure to maintain the NOX short-term concentration limit below 70 ppmvd on a 7-day rolling average basis at 0% O2. [Category B14]

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(b)(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 FOP Special Term & Condition 30 OP
 NSR Consent Decree 2A PERMIT

Description: Failure to maintain the CO concentration below the required emission limits. [Category B14]

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(1)(A)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.126(b)(1)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 FOP Special Term & Condition 30 OP
 NSR Special Condition 15 PERMIT

Description: Failure to maintain the Vapor Destruction Unit (VDU) above the minimum required destruction efficiency. [Category C4]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP

Description: Failure to repair leaking exchanger head within 15 calendar days after the leak is identified. [Category C1]

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(a)(2)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 14 OP
FOP Special Term & Condition 30 OP
NSR Consent Decree 29A(4) PERMIT
Description: Failure to monitor Flare 11 and 14 (EPN: FLARE11 & FLARE14) H2S analyzers continuously. [Category C1]

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(6)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(b)(2)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 30 OP
NSR Consent Decree 25B PERMIT
Description: Failure to adjust Total Reduced Sulfur analyzer (EPN: SCU2T601) following a calibration drift that was greater than two times the limit of the applicable performance standard. [Category C3]

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(3)(C)
30 TAC Chapter 115, SubChapter B 115.126(1)(B)
30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(i)(B)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 30 OP
NSR Special Condition 11A PERMIT
Description: Failure to maintain each flare above 300 British thermal unit per standard cubic feet (Btu/scf). [Category C4]

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP General Term & Condition OP
Description: Failure to report all deviations. [Category B3]

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)(4)(ii)
5C THSC Chapter 382 382.085(b)
FOP Special & Term 1A OP
FOP Special Term & Condition 30 OP
Description: Failure to use a calibration gas less than 10,000 ppm methane during Method 21 leak testing. [Category B1]

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
Description: Failure to designate less than 3.0 percent of the total number of valves as difficult-to-monitor in the Flexicoking Unit. [Category C1]

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(i)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 30 OP
NSR Special Condition 34F PERMIT
Description: Failure to conduct quarterly monitoring of valves. [Category C1]

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)

30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 10E OP
 FOP Special Term & Condition 30 OP
 NSR Special Condition 30 PERMIT
 NSR Special Condition 34M PERMIT
 Description: Failure to conduct periodic monitoring of connectors. [Category C1]
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 19 OP

Description: Failure to conduct annual method 21 on the top hatches of vacuum trucks.
 [Category C1]
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 30 OP
 NSR Special Condition 1 PERMIT

Description: Failure to maintain H2S emissions below the cap Maintenance, Startup, and
 Shutdown (MSS) MAERT lbs/hr limit. [Category B13]
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 FOP Special Term & Condition 30 OP
 NSR Special Condition 11C PERMIT

Description: Failure to prevent visible emissions from flare (EPN: FLARE11). [Category B13]
 Self Report? NO Classification: Minor
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(8)
 5C THSC Chapter 382 382.085(b)

Description: Failure to include summary of potential leaks in annual NESHAP FF report.
 [Category C3]
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 10 OP

Description: Failure to operate the monitoring system at least 95% of the time when the flare
 (EPN FLARE04) was operational. [Category C4]
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 FOP Special Term & Condition 30 OP
 NSR Special Condition 11D PERMIT

Description: Failure to continuously monitor the flare (EPN FLARE04) vent stream. [Category
 C4]
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 14 OP
 FOP Special Term & Condition 30 OP
 NSR Consent Decree 21 PERMIT
 NSR Consent Decree 29A(2) PERMIT

Description: Failure to maintain the fuel gas concentration of hydrogen sulfide (H2S) below
 162 parts per million by volume (ppmv) in a 3-hour rolling average for multiple
 units. [Category B13]

6 Date: 12/17/2015 (1301589) CN600123939
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

II-C-1 PERMIT
Description: NOR was not updated.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)
30 TAC Chapter 335, SubChapter R 335.513
II-C-1 PERMIT
Description: Waste process knowledge was not documented.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EXXON MOBIL CORPORATION
RN102579307**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2016-0326-PST-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding EXXON MOBIL CORPORATION (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates, as defined in 30 TEX. ADMIN. CODE § 334.2(73) and (70), an underground storage tank ("UST") system and a fleet refueling facility located at 2800 Decker Drive in Baytown, Harris County, Texas (the "Facility"). The UST system at the Facility is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$54,861 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$21,945 of the penalty and \$10,972 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. Pursuant to TEX. WATER CODE § 7.067, \$21,944 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of an SEP as defined in the SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms of this Order, which includes timely

and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures:
 - a. Developed and implemented procedures designed to ensure inventory control procedures are being conducted in accordance with a code or standard of practice developed by a nationally recognized association or independent testing laboratory on February 1, 2016; and
 - b. Conducted the annual line leak detector and piping tightness testing with passing results on March 18, 2016.

II. ALLEGATIONS

During an investigation conducted on January 12, 2016, an investigator documented that the Respondent:

1. Failed to conduct inventory control in accordance with a code or standard of practice developed by a nationally recognized association or independent testing laboratory, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(i) and (d)(4)(A)(i). Specifically, the Respondent was not properly recording the ending stick value.
2. Failed to provide release detection for the pressurized piping associated with the UST system, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a). Specifically, the Respondent had not conducted the annual line leak detector and piping tightness testing.

3. Failed to report a suspected release to the TCEQ within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, inventory control records for July and August 2015 indicated a suspected release that was not reported.
4. Failed to investigate a suspected release of regulated substance within 30 days of discovery, in violation of 30 TEX. ADMIN. CODE § 334.74. Specifically, inventory control records for July and August 2015 indicated a suspected release that was not investigated.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: EXXON MOBIL CORPORATION, Docket No. 2016-0326-PST-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph 4. The amount of \$21,944 of the assessed penalty is conditionally offset based on the Respondent's completion of the SEP pursuant to the terms of the SEP Agreement. The Respondent's obligation to pay the conditionally offset portion of the assessed penalty shall be discharged upon completion of all provisions of the SEP Agreement, as determined by the Executive Director. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Develop and implement procedures designed to ensure suspected releases are reported, in accordance with 30 TEX. ADMIN. CODE § 334.72; and
 - ii. Investigate the suspected release and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74.

- b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i and 3.a.ii. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1486

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination

of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.


8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

9/20/16
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

5/17/2016
Date

MATTHEW CROCKER
Name (Printed or typed)
Authorized Representative of
EXXON MOBIL CORPORATION

REFINERY PLANT MANAGER
Title

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Order.

☐ If mailing address has changed, please check this box and provide the new address below:

Attachment A
Docket Number: 2016-0326-PST-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	EXXON MOBIL CORPORATION
Penalty Amount:	Forty-Three Thousand Eight Hundred Eighty-Nine Dollars (\$43,889)
SEP Offset Amount:	Twenty-One Thousand Nine Hundred Forty-Four Dollars (\$21,944)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Gulf Coast Waste Disposal Authority
Project Name:	<i>Rivers, Lakes, Bays 'N Bayous Trash Bash</i>
Location of SEP:	Galveston and Harris Counties

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Gulf Coast Waste Disposal Authority** ("GCWDA") for the *Rivers, Lakes, Bays 'N Bayous Trash Bash*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to pay for materials, supplies, disposal, transportation, and advertising, as well as costs directly associated with the cleanup of trash and pollutants from Galveston Bay and waterways in the San Jacinto watershed. GCWDA shall not use SEP funds to pay for food, drinks, or t-shirts. GCWDA shall use SEP funds only to clean up property owned by a local government entity, as defined in TEXAS WATER CODE § 7.067, or privately owned property that is not subject to a TCEQ enforcement action at the time of cleanup. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

EXXON MOBIL CORPORATION
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit water quality by removing pollutants from Galveston Bay and waterways in the San Jacinto watershed. This SEP will educate volunteers about non-point source pollution and steps the volunteers can take to help keep the environment clean.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Gulf Coast Waste Disposal Authority SEP** and shall mail the contribution with a copy of the Agreed Order to:

Gulf Coast Waste Disposal Authority
Attention: Lori Traweck
910 Bay Area Boulevard
Houston, Texas 77058

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

EXXON MOBIL CORPORATION
Agreed Order - Attachment A

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. The Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.